

MEMO ENDORSED

BY EFC

Hon. Judge Valerie E. Capron
United States District Court Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

USDC SDNY
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June 3, 2024

Re: United States v. Washington 21-CR-603 (VEC)

I am writing to respectfully request the Court's guidance and assistance in issuing subpoenas for defense witnesses crucial to my case. Specifically, I seek to subpoena the following individuals:

1. Gerard Lalwani
2. Terrance Williams
3. Sylvester Dennis
4. Antonio Fantanilla
5. Paris Ramsey
6. Melvin Ely
7. Milt Palacio
8. FBI agent, Michael Coughlin
9. FBI agent, George Rusuloj
10. Dr. Mark DiJulio

Given the complexities of this case and the limited time provided for discovery and trial preparation, I find myself in need of additional support from the Court. The Court's recent orders have significantly constrained the defense's ability to adequately prepare for trial. As detailed in Dkt. 1400 at 7¹, I am concerned about potential misinterpretations of my subpoenas and discovery requests and the subsequent implications.

Furthermore, despite my requests for clarity and identification details regarding cooperating witnesses such as Melvin Ely, there has been no substantive response or assistance, as noted in Dkt. 1430 Filed 05/07/24 Page 1 of 9. This lack of response hinders my ability to

¹ In light of Dr. Washington's request for the "identification details of Melvin Ely," who is a cooperating witness in this matter, Mot. at 14, the Court warns Dr. Washington that any attempts to discourage Mr. Ely from testifying may violate federal criminal law, see 18 U.S.C. § 1512, and may be grounds to revoke Dr. Washington's bail and detain him pending trial.

prepare a comprehensive defense and to address potential biases or threats to my due process rights.

Given these circumstances, I respectfully request the Court's intervention to ensure the issuance of subpoenas for the aforementioned witnesses. Their testimonies are vital for establishing the facts and circumstances surrounding the allegations against me.

Moreover, I seek the Court's assistance in extending the unreasonable 88-day allotted timeline for subpoena, discovery review and trial preparation². The constraints imposed have placed an undue burden on the defense, affecting my ability to adequately review evidence and prepare for trial. The fairness and integrity of the judicial process are at stake, and I believe that with the Court's guidance and support, we can ensure a just and equitable proceeding.

Application DENIED. Dr. Washington's request for an adjournment is denied for the reasons previously set forth, including in the Orders at docket entries 1372 and 1375. The Court cannot assist Dr. Washington in his attempts to subpoena potential witnesses. Although standby counsel is not expected to assist Dr. Washington with the preparation of his defense, he may choose to consult with standby counsel regarding the process to subpoena a witness. A template subpoena is available on the Court's website at <https://www.nysd.uscourts.gov/node/777>

Dr. Washington is advised that federal regulations impose additional requirements that must be satisfied before a federal agent may be subpoenaed (*Touhy* regulations). *See, e.g.,* 6 C.F.R. § 5.41; *Touhy v. Ragen*, 340 U.S. 462 (1951).

SO ORDERED.



06/03/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

Respectfully Submitted,

/s/ William J. Washington
William J. Washington MD, Pro Se
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² "... the CDA believed that defense counsel required more than five months to review the database in preparation for trial. (ECF Doc. No. 421 – Letter of Sabrina Schroff). This view is consistent with the timeframe set by the Court for the original eighteen defendants in this case for discovery review. Following their arrests in October 2021, the Court adjourned these defendants' cases seven months for a status conference to set dates for pretrial motions and further extended that time for two months for discovery review. It was in July 2022, nine months after their arrests, when dates were set for their pretrial motions and trial. (ECF Doc. No. 413)."

See, ECF Doc. No. 897 at 14. (See, Exhibit B for ECF Doc. No. 413)